CERTAINE QUERIES

CONCERNING

The lawfullnes of imposing, and taking of the *NEGATIVE OATH*; Propounded by some MINISTERS under restraint in the Garrison of *WEYMOUTH*.

AND ANSWERED

By { *E. B.* and *P. I.* } Ministers of { *Weymouth*, and *Melcomb-regis*.

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The Negative Oath.

I A. B. *Do sweare from my heart, that I will not directly, nor indirectly, adhere unto, or willingly assist the King in this War, or in this Cause, against the Parliament, nor any Forces rayſed without the consent of the two houses of Parliament, in this Cause or Warre: And I do likewise sweare, that my comming and submitting my selfe under the Power and protection of the Parliament, is without any manner of Design whatsoever, to the prejudice of the proceedings of this present Parliament, and without the direction, privity, or advice of the King, or any of his Councell, or Officers, other then what I have now made knowne, So helpe me God, and the contents of this Booke.*

To the Reader.

THeſe Queries were privately propounded, by men pretending a ſober deſire of ſatisfaction, and this Anſwer (whoſe contrivement was not the expence of full 24. houres) as privately returned. The men were ſo farre from having their Conſciences unſcrupled by any thing here ſaid, that wee were conſtrained to offer them a diſpute, *Ore tenus*, which (after time, and place, and Moderator, agreed upon, and all parties met) was prudently declined, ſince which time (as I have been aſſured by ſome godly Miniſters, and others) it hath been given out, by one or more of the Parties themſelves, how little could be ſaid for the Parliaments practiſe, and ſome aſperſions caſt upon my ſelfe in particular; whereby I am neceſsitated to own theſe Papers, and to make them publique, that the world may ſee, that what I have here ſaid, was enough to caſt me by choyce upon that ſide I ever was, ſince theſe differences began, though not enough to fetch thoſe men off, who are not willing they ſhould now end.

Thine in the Cauſe of Chriſt, and the Kingdome.

EDWARD BUCKLER.

Certain Queries concerning the imposing and taking the Negative Oath, *&c.*

I. Quere.

Ince Faith, (that is, an assurance of the warrantablenesse of any particular undertaking) must be the ground of a Christians *action, and such Faith can rest on nothing but Gods word,* Wee demand, *what warrant there is in the* Gospell, *(which restraines the use of* Oaths) *for the contriving, and imposing an* Oath, *(which is a solemne Act of* Religion) *in order to politick ends? This the rather wee desire to be satisfyed in, because our experience teacheth us, that this* Oath *is made use of as an* Engine of State, *since it is not urged generally on all, but pressed upon some, not without* Design *upon their estates, and liberties.*

Ans. Your first *Quere* is, what warrant there is in the Gospell for the contriving and imposing of an *Oath,* in order to *Politique Ends?*

1. An assurance from Gods word of the warrantablenes of any particular undertaking, must be a *Christians* ground of that undertaking.

2. The *Negative Oath* is in order to Politique ends, being an Engine of State. For

1. It is not urged generally on all, but only on some.
2. On those some, not without design upon their { 1 States. 2 Liberties

1. wee observe,

1. An ill Omen: *viz.* a stumbling at the threshold, you demand

what warrant there is in the Gospell, &c. and the reason of your demand is, because there ought to be a warrant in the word. Wee hope Gods word, and the Gospell, are not with you terms contemptible, so that if we find warrant in the word, it wil be enough.

2. 2. That you demand not whether it be lawfull to take, but whether it be lawfull to contrive, and impose an *Oath*, in order to Politique ends, and so this can be no scruple of your *Consciences*; for whether lawfull or not, you are not concerned in it.

2. *Wee answer*,

1. To your Quere, viz. *What warrant there is in the word*, (for that must be the sence of your Quere) *for the contriving and imposing of an Oath in order to Politique ends?*

Wee desire you to looke into these following Scriptures; where you shall find,

3. 1. An *Oath*, in order to politique ends, both in { 1. Precept, *Exod.* 22. 8. 11. 2. Practise, 1 *Reg.* 8. 31. *Gen.* 24. 2. 3. *Neh.* 5. 12. (2 *Chron.* 36. 13. compared with *Ezek.* 17. 13. 16.)

4. 2. A negative *Oath*, 1 *Reg.* 2. 42. 43. *Gen.* 24. 3. *Iudg.* 21. 7

5. 3. An *Oath* not urged on all, but some, as when an Oath is explanatory, or cautionary (as in the case in hand) it is only pressed upon the suspected, not urged on all. *Num.* 5. 19. *Exod.* 22. 11. the man suspected, not all the men in the neighbourhood. *Ezr.* 10. 15.

6. 4. An *Oath* not without influence (if without Design) upon their { 1. Estates, *Neh.* 5. 12. 2. Liberties, 1. *Reg.* 2. 42.

7. Obj. *These texts are all in* V. T. *But the Gospell restraines the use of* Oathes.

8. Sol. { 1. You either were not able, or not willing, to give us any sence of this *parenthesis*, at our first meeting.
2. You shew us where the Gospell restraines the use of Oathes in any sence that will serve your purpose.
3. Oathes are in the Gospel, { 1. mentioned with approbation, *Heb.* 6. 16.
9. 2. used *Rom.* 9. 1. 2 *Cor.* 11. 31. 2 *Cor.* 1. 23

2. *To the reasons of your Quere, to the*

1. Viz. An assurance from Gods word of the warrantablenes of any particular undertaking, must be a *Christians* ground of that undertaking.

10. This wee acknowledge to be a truth, and a necessary ground of

Ans. Quere

Quere, when wee do indeed doubt of the warrantablenes of any thing that is required of us. But wee do not thinke our selves, or others, bound to suffer, till wee can satisfy our selves of a warrant for what is done by others; as in the case of this Quere, *viz.* of a ground for contriving and imposing of oathes—— To the

2. The *Negative oath* is in order to Politique ends, &c. 11.

See in order to what end those oathes were contrived and imposed, which you saw in the texts above cited.——To the grounds of this. viz. *Ans.*

1. This oath is not urged on all.

If by (all) you meane
- 1. All the Subjects of this Kingdome (oathes not being either to be multiplied or extended beyond necessity) wee say that the State need not engage their own party, by any other way, having sufficient assurance of their good affection already. 12.
- 2. All of a kind. *viz.* Of such as have adhered to the King in this warre; wee believe (and have been informed) that the Ordinance intends all, and the non-execution of it, is to be written down, among the *Errata* of their Instruments. *Ans.*

2. On some, not without design upon their { 1. Estates. 2. Liberties

Ans. Wee might find heere some incongruity between this, and what went immediately before, *viz.* (*not urged on all.*) Why not, if this be the design? Tis possible that other men upon whom this oath is not urged, may have estates and liberties, of equall consequence with such as speake this by experience. Wee could say much of the animosity, &c. that is descended in such expressions, but wee remember the point. 13.

3. *Wee demand whether*

1. There be lesse ground in the Gospell for the *negative Oath*, then for the *Oathes of Allegiance*, of *Canonicall obedience*, the *Protestation* mentioned in the fourth Quere, &c.

2. All, or most of those oathes be not in order to politique ends, and so engines of State?

3. In relation to a ground in the Gospell, there be not as much reason to question their legality of contrivement and imposition, as of this?

Such

4. Such as are not able to shew more warrant in the Gospell for those, then this, may not lawfully take this, or must not necessarily repent for taking those?

2. Quere.

Wee desire to know what ground there is in Gods word, for a Christian *by* Oath *to obliege himselfe in future contingents? Or whether such obligations concerning mutable affaires of* State, *not under our power, may not prove pernicious snares to* Conscience: *and therefore to be in christian prudence prevented, since one exception against the* Popish Vow *of* continency, *is, that it is a* snare *to* conscience?

Your second Quere is, *what ground there is in Gods word for a* Christian *to obliege himselfe by oath, concerning mutable affaires of* State, *not under his power, this being to obliege himselfe by* Oath *in future contingents?*

Reasons of this Quere are,

1. *Such obligations may prove pernicious snares to* conscience.
2. *One exception against the* Popish Vow *of* continency, *is, that it is a* snare *to* conscience.

1. *Wee observe,*

14. 1. That by mutable affaires of State, must be meant the uncertaine successe of this Warre, or else it is not pertinent to the busines in hand.

15. 2. That the uncertainty which side will finally prevaile, doth obliege us in point of conscience, not to ingage in either, without providing for a retreat.

2. *Wee answer.*

1. To your Quere, *what ground there is in Gods word, for a Christian, &c.*

16. 1. Wee referre you to those texts cited above in answer to your first Quere.

2. All promissory oathes are obligations to future contingents, for how necessary soever any thing may be in its causes, & to God, yet if it be not present, it is contingent to us, *who knowes what a day may bring forth? vide Iam. 4. ver. 14.*

To your reasons of your Quere, ——— *to the*

1. *Such*

1. *Such obligations may prove pernicious snares to consciences.*

Ans. Never the sooner for the contingency of the thing concerning which they are oblieged, for

1. Then so many promissory oathes as are made, so many snares to conscience are made, and so *David* 119. Psal. 106, and *Iosuah*, and the Princes of *Israel*, *Ios.* 9. 15. *Cum multis aliis*, made snares for their Consciences. 17.
2. If the contingency of the thing about which wee sweare, impose upon us a reall impossibility of performance, the obligation is *Ipso facto*, made null.

2. *One exception against the Popish Vow of continency, is, that it is a snare to Conscience.*

Ans. The case is not like, for 18

1. That Vow is of something not in our power, *Mat.* 19. 11. not so this oath.
2. That Vow is of that which is *nullo jure*, necessary, *Heb.* 13. 4. 1. *Tim.* 4 3. not so this oath. *vid. infra.* 19.

3. *Wee demand whether,*

1. That which is sworn to in the *Negative Oath*, hath more of contingency in it, then what is sworn to in the *Oath of Allegiance*, *Canonicall obedience*, &c.

2. That which is indeed a snare to Conscience, be a greater evill, then that which is a wound to Conscience?

3. Those persons may (in any charity) be supposed to act purely, according to the light and dictates of conscience, in one thing, that do not discover any Conscience at all in other things?

4. To pretend Conscience for what wee act from other principles, be not a great sin?

3. Quere.

Whereas the wisdome of Parliament lookt upon an Oath, *for the never consenting to the alteration of the Discipline by* Law *established, as* Tyrannicall, *and prevented the generall imposing of it, by the declaring the illegality of all* Oathes *not imposed by* Act *of* Parliament, *Wee desire to know, how the imposing of this* Oath, *of not adhering to the* King, *can scape a hard construction?*

Your Third *Quere*, is, *How the imposing of this* Oath, *of*

 not

not adhering to the King, can escape a hard construction ?

Reasons of this *Quere, are*

1. *The Parliament lookt upon the* &c. Oath, *as tyrannicall.*

2. *They declared all* Oathes *illegall, not imposed by Act of Parliament.*

1. *Wee Observe,*

20. 1. That you dwell in generals (*Vbi fraus latet*) and cannot tell what you do indeed meane by a hard construction.

21. 2. That laying your *Quere* and its grounds together, this must rationally be presumed to be your meaning, *viz.* that this oath of not adhering,

is { 1. Tyrannicall.
2. Not imposed by Act of Parliament.

You must own it in this sence, or discharge the Parliaments looking upon the *&c.* Oath as tyrannicall, and their declaring the illegality of all Oathes, not imposed by Act of Parliament, from being reasons of this *Quere,* — and so

2. *Wee answer,*

1. To your *Quere,* how this oath can escape the construction

of being { 1. Tyrannicall.
2. Not imposed by Act of Parliament.

You will be satisfyed (wee hope) upon the making good of these two things, *viz.*

That the imposition of this Oath { 1. Is not tyrannical.
2. Is imposed by an authority equivalent to an Act of Parl.

22. 1. It is not tyrannicall, because not *contra* { 1. *aquum.*
2. *bonum.*
3. *leges.*

23. 1. *aquum,* { 1. There is *jus regni,* in all that by the Parliament is in this War contended for.
2. Its all equity in the world, that those persons who will live in the Parliaments *Quarters,* should declare themselves, at least, not to be their enemies.

2. *Bonum*

2. *Bonum esse*, you prejudice the State, in giving (as wee remember you confessed your selves ready to do) any other assurance, not to adhere &c. beside an oath. 24.

3. *Leges, vide infra* (26.) *&c.*

2. It is imposed by an authority equivalent to an Act of Parliament, wee shall offer unto you, (as to ingenuous men,) these Propositions. *viz.*

1. That the King wilfully absenting himselfe, or dissenting, its in the Power of Parliament to make lawes (which do bind the Subject) for the safety of the Kingdome ——— which wee thus prove. 25.

If the Parliament have not this power, it is either, because of the Kings dissent, or because of something else——but &c. *ergo.* 26.

The minor is proved thus,

If the Kings dissent can hinder a Law, the Parliament assenting, then the Kings assent can make a Law, the Parliament dissenting, ——but, &c. *ergo.*

The major is proved thus,

If there be an equall Power in the King to do both, then he may as well do the one as the other.———but, &c. *ergo.*

The minor is proved thus.

If the doing of both do equally concerne the Kingdoms good, then there is an equall power in the King to both, [for whatsoever the King, *quatenus* King, is or hath, he is, and hath it for the Kingdoms good, as the meanes is for the end. *Rom.* 13. 4.] but the doing of both, doth equally concern the Kingdoms good, [the Kingdome is as much concerned, that (good) lawes be made, as that (evill) lawes be hindered]——*ergo.*

2. Not to allow Ordinances (*ut supra*) equivalent to Acts, (which at least *Sedente curiâ* was never questioned) is to necessitate the continuance of old Lawes, though never so prejudiciall, & to impossibilitate the making of a new, though never so necessary, if the King will; contrary to that known rule in Politiques, 27.

Lex debet Reipub. accommodari, non respub. legi.

3 It makes the King absolute, and his government arbitrary, it being all one to rule without a Law, and to rule by a Law of his own making, and which could not be made without him.

3. *Wee demand whether,*

28. 1. *Ius gladii* (if the Parliament were pleased, or had need to plead it) doth not entitle them to power enough to impose this Oath?

2. The King had any more, for imposing his Protestation, in places under his power?

3. The imposition of that Protestation (being not by Act of Parliament, nor by any power equivalent) be tyrannicall, and capable of a hard construction?

4. *Quere.*

Since there is a naturall allegiance due to the person of King Charles *from all his Subjects born (so that it is a declared treason to distinguish between the naturall, and politique capacity of the King, as it is evident in* Cookes Report *of* Calvins case) *which the founders of our Government have thought fit to ratifie, by Oathes of fealty and allegiance, which obliege all Subjects to adhere unto, and assist King* Charles *in time of Warre, as well as in time of Peace: and since by a late Protestation, taken at the instinct of Parliament, wee have oblieged our selves in our severall places, and callings, to maintaine with our lives and fortunes, the Kings person, honour and estate, and to endevour to bring to condigne punishment all those who oppose them, wee desire to know, how any power on earth (without being Antichristian) can absolve us from this allegiance, or disingage us from our vowes of adherence to the King, in maintenance of his right, such as is the power of the* Militia, *acknowledged by the Parliaments Petition at* Windsor, *to be a flower of the Crown.*

Your fourth *Quere is, what power on earth, (without being Antichristian) can absolve us from our oath of Allegiance, or dis-ingage us from a late Protestation taken by instinct of Parliament, oblieging us to maintain the Kings person, honour, and estate, and to adhere to him in the maintenance of his right, such as is the power of the* Militia, *&c.*

Reasons of this *Quere*, are,

1. *There is a naturall allegiance due to the person of King* Charles, *from all his Subjects born.*

2. *This naturall allegiance, the founders of our Go-*

vern-

vernment, have thought fit to ratify by Oathes of Fealty *and* Allegiance.

3. *These Oathes obliege all Subjects to adhere unto, and assist King* Charles *in time of War, as well as in time of Peace.*

4. *Tis a declared Treason to distinguish between the naturall and politique capacity of the King, as is evident in* Cooks Report *of* Calvins case. *vid.* 11. *Hen.* 7. 1.

1. *Wee observe.*

1. That you insinuate a power to be claimed by the Parliament of absolving men from Oathes, and disingaging them from Protestations. 29.

2 That you insinuate this power to be *Antichristian.*

3. That it is exercised in imposing the *Negative* Oath.

2. *Wee Answer.*

1. To your *Quere,* what power on earth? &c.

That by the Negative Oath you bind your selves from nothing, which you are bound unto by the oath of Allegiance, or the late Protestation taken by instinct of Parliament. For the cleering of this, wee shall premise 30.

That neither Oath nor Protestation obliege us to any new duty, but only bind us, (in the sacred Bond of an Oath) to performe that which was ever due. This truth we have from the *Series* of your own arguments, there is (as you call it) a naturall allegiance, which is (you say) ratifyed (not added unto) by *Oathes* of Fealty and allegiance.——Thus then

If the *Negative Oath* bind you from nothing, which is (by your naturall allegiance) the Kings due, then it binds you from nothing, which you are bound unto by the *Oath* of *Allegiance,* or the late *Protestation.* —— But, &c. — *ergo.*

Ob. It binds us from adhering unto, or assisting the King in this Warre.

Sol. This is not the Kings due. ——*Wee prove it thus.*

Nothing is the Kings due, but what he can claime, either by the Law, or by his Prerogative; [wee never heard of a third title, and his Majestie seemes in one of his Declarations, to reduce all to one, in this acknowledgement, *The Law is the measure of our power.* And 31.

wee conceive that the measure, and the thing measured are not greater, nor lesse one then another. But for your good, you shall have in the Prerogative to boot] ——— &c. but the King cannot claime assistance in this warre, either by Law, or by his Prerogative. *Ergo.*

32. 1. He cannot claim it by Law; for

1. The sence of the Law is to be judged of, by the mind of the Law-giver, and wee cannot yet thinke that the Parliaments mind was to give the *King* a power to cut their own throates.

33. 2. The *King* seemes to allow the Parliaments sence of the law to be authentique, though directly opposite to his own sence of it, as in *Strafords* case.

3. Then the Law binds you to endeavour the destruction of all those godly persons in the Kingdome, who are of the contrary party, and this wee have found was (as long as they appeared) at least *finis operis*.

4. Twere good that Law were produced which inables the King to claime your assistance in a Warre against his two houses of Parliament, [his *Majesty* himselfe saw so little of Law in it, that he himselfe protested himselfe as ready to Warre against his own Children]

Obj. Wee have directed you in the *Margin*, to the Statute of 11. *Hen.* 7. *Chap.* 1.

Sol. And wee direct you to the Parliaments exposition of, and Declaration upon that *Statute*, printed above three yeares since.

Obj. The Parliament acknowledged the power of the *Militia* to be a flower of the Crown.

Sol. To use for, not against the Kingdome, according to Law, not will, *vid. supra* (26) *et infra* (42.)

2. The King cannot claime your assistance in this Warre by his Prerogative, wee shall endeavour to hold you out { 1. is not. 2. is. what Prerogative

1. A

1 A power in the King to do what he pleaseth, not a power by any instruments of his to take, away the life, or estate, of any Subject, to break the priviledge (much lesse the necks) of *Parliaments, &c.* [tis not (wee hope) for this cause, wee pay Tribute. *Rom.* 13. 6.] —— this is not *Prerogative.* 34.

For { 1 The King every where disclaims it. 2. To what purpose lawes, if a *Sic Volo*, were enough?

1. *Prerogative* is not

2. A power to do what he pleaseth, in cases, not provided for by Law —— Wee shall againe resume his Majesties acknowledgement: *The Law is the measure of Our Power*, where

1. Is not meant our power drawn into a Law, that is not elegant enough, for a *Penner* of his Majesties Declarations.

but here

2. Is meant our power, left free, and undeter minate, the Law is the measure of this, (*i. e.*) our *Prerogative* will enable us to do whatsoever the Law may be presumed would have allowed us to doe, if there had been a Law made. 35.

A power in the King, to doe the Kingdome good, in cases not provided for by Law. —— *Prerogative* is not a jot more then this. 36.

2. *Prerogative is*

1. If the wisdome of a State, could foresee every thing that would need a Law, they would make a Law for it, and leave no *Prerogative* at all.

2. Wee see that there is still more and more of the Kings power drawn out of his *Prerogative* into his Lawes, as inconveniencies not foreseen, do immerge.

3. That the King should (as the necessity

ty of the Kingdome calles for it) thus empty his Prerogative into his Lawes, not left Arbitrary, but it is his duty. *vid. supra* (26) 27)

2. To the Reasons of the Quere, to

37. There is a naturall Allegiance due to the person of K. *Charles.*

Ans. This doth no more bind you to assist the King in any thing that is evill, then the naturall Allegiance of either of you to a Father doth bind you to helpe kill a man, (only *eo nomine*) because your Father calles for your assistance.

2. This naturall Allegiance, the Founders of our Government, &c.

38. *Ans.* Wee shall note, that
1. The Parliament are the Founders of our government.
2. They may contrive, and impose oathes, in order to politique ends.
3. What influence the Kings assent or dissent hath, you have heard above (26.)

3. These oathes obliege all Subjects to adhere unto, and assist King *Charles*, &c.

39. *Ans.* That
1. They obliege us to no new duty *supra* 30.
2. What is premised in the oath of Allegiance, is in opposition to that usurped power of Potentates, &c. abroad, not to the lawfull power of the Kingdome at home, (*vid.* 3. *Jacob.* 4.)
3. This oath must receive its exposition, from whence it did its composition, *viz.* from the Parliament of *England.*
4. There is (at least virtually) as much of the Kings Power in the *Negative Oath*, as in the oath of Allegiance.

40.

4. Tis a declared Treason to distinguish between the naturall and politique capacity of the King, as is evident in *Cooks* Reports.

Ans.
1. From the authority of *Cooks Reports*, wee referre you to the *Reports* of *Finch*, *Barcley*, *&c.* in the case of *Ship-money*, *Monopolies*, *&c.*
2. Parliaments are not tyed to the reports of Judges but have power to arraign and condemn both Reports and *Reporters.*

Wee

3. *We demand, whether*

1. Our naturall Allegiance to the person of King *Charles*, be due to the person of that person, *quatenus Charles (i.e.)* such a determinate, *individuum*, or *quatenus* King *(i. e.)* a person invested with such a power, or *quatenus* both? 41.

2. If any person (by conquest or otherwise) should be established King of *France*, as *William* the *Normand* was of *England*, (the present French King yet living) to which of these two is the naturall allegiance of the subjects borne of that Kingdome, due?

3. If a King be *non compos mentis*, any Oath of Allegeance to him, when he was *sana memoria*, doth bind his subjects to assist him (by vertue of his verball or written precept) in war and peace?

4. We of this generation (unsworne) be bound to make good those oathes of Fealty and Allegeance which were taken by our Progenitors, upon pain of perjury?

5. A Prince having (as an acknowledged Flower of the Crown) the power of the *Militia*, and going about with any part of that *Militia* to destroy himselfe or his children, ought to be assisted in it?— This to your *Queries*.—Your 42.

5. *and last is a Proposition*,—viz.

All Oathes being to be taken in the common grammaticall sense, this oath ties the taker from all maner of assistance to the King during this war. Now since the violence of battaile may be directed against the sacred person of the King, and the mis-guided fury of the common souldiers, hath bent it selfe against, and may hereafter attempt the life of our gracious Soveraigne, we cannot safely abjure all succours to the preservation of him, whose life is worth ten thousand of us.

5. Your Proposition is, —*This Oath ties the taker from all manner of assistance to the King, during this War; and the taking of it, were to abjure all succours for the saving of his life.*

Reasons of this Proposition are,

1 *This Oath is to be taken in the common grammaticall sense.*

2 *The violence of battaile may be directed against the sacred Person of the King.*

3 *The mis-guided fury of the Common souldiers hath bent it self against the life of our gracious Soveraigne.*

4 *It may hereafter attempt the like.*

5 *The Kings life is worth ten thousand of us.*

1. *We observe,*

43. 1. That whereas in the other foure particulars you were onely *Quærentes*, here you are *Determinantes*.

2. That you would intimate, that the Parliament would bind you by oath from saving the Kings life, if it were hazarded.

2. *We answer,*

1. To your Proposition,— *This Oath ties the taker, &c.*

44. 1. The Oath hath no such phrase in it, as, *during this War*, but, *in this War or Cause*. We doe not here call your candour and ingenuity into question.

2. The oath ties not the taker from all manner of assistance to

45. the King, but onely in this war, (*i. e.*) in relation to this war, *Ex. gr.* if *Cooks* Reports were tyed from assisting you in this Cause, *viz.* in proving a distinction between the natural and the politique capacity of the King, Treason: are they thereby tyed from all manner of assistance to you, till this controversie be ended? may they not yet assist you in a case of tenure of lands, *Quare impedit*, &c?

I. N. and *I. S.* are in a suit of Law, I *A. B.* doe sweare not to adhere unto, nor willingly to assist *I. N.* in this suit; doth the grammaticall sense of my oath tye me from inviting *I. N.* to dinner, or from pulling of him out of a ditch? &c.

2. *To the Reasons of your Proposition. To*

1. *The Oath is to be taken in the common grammaticall sense.*

Answ. This sense abjures not all succours, *ut supra* (45.)

2. *The violence of battaile may be directed against the sacred Person of the King.*

46. *Answ.* We hold

1. That the person of the King, and of every supreame Magistrate in any State, is inviolable, and not subject to any penall hand.
2. That in this War, no Souldier ought willingly to take away the Kings life.
3. That if the King will wilfully adventure his person in battaile, the Parliaments Army may and ought to fight, notwithstanding the Kings presence in the enemies Army,—because
   1. If his person be in danger, tis not the Parl. fault, (who would not have him there) but his owne, and his adherents, who prize his life at no higher a rate.

2. The

2. The Parl. are acting within the sphere of their own power, and so doing their duty, not so the King, *ut supra*, (26, 27.)

4. That if I see the Kings life in danger, (as a souldier striking, or wounding him) I may rescue him, and save his life, the Negative Oath notwithstanding, —for

1. This is no more an adhering unto, or an assisting of the King in this Warre, then it is, when a Parliament Captain shall rescue a Cavalier, that he may have Quarter, when his Lieutenant was about to hang him. An usuall practice. 47.

2. This being necessarily understood in the Negative Oath, is contained in the grammaticall sense of it. [Shew us in what this Rule is false,—*Quod necessario intelligitur, non deest.*]

3. In all promissory oathes, something must ever be understood, [as the Casuists resolve, *Summ. Angelica in verbo Jurament.* 4. *Qu.* 5.]

3. *The misguided fury of the common souldiers hath bent it selfe against the life of our gratious Soveraigne.*

Answ. This is matter of fact, and if we knew that you spake upon your knowledge, we would not stick to call it, as you doe, misguised fury. 48.

4. *It may hereafter attempt the like.*

Answ. We cannot prophesie, but if the King suffer in his Person by the Parliaments succeedings in this Warre, it will be his owne fault, *ut supra* (46.)

5. *The Kings life is worth* 10000. *of us.*

Answ. We will not dispute the value of His Majesties life; but if it be worth no more, his will hath cost above twice as much, as his life is worth.

3. *We demand, whether*

1. This clause [*the Kings life is worth* 10000. *of us*] be to be taken in the sence that all Oathes are?

2. *Cooke* declared Treason in *Calvins* case, must not be pardoned to make this clause good? (40).

3. A man that hath taken the Kings protestation may not (which is some assistance during this Warre) hold Sir *Thomas Fairfax* his Horse, without guilt of perjury? *Diximus.*

F I N I S.